

SENATE BILL 958

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CF HB 910

By: **Senators Lee, Elfreth, Smith, and Waldstreicher**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Untraceable Firearms**

3 FOR the purpose of prohibiting a person from manufacturing, causing to be manufactured,
4 assembling, constructing, possessing, selling, offering to sell, transferring,
5 purchasing, or receiving certain firearms; prohibiting a person from using a certain
6 3–dimensional printer to manufacture, cause to be manufactured, assemble, or
7 construct a certain firearm; prohibiting a person from distributing a certain
8 computer program; prohibiting a person from possessing a certain object marketed
9 or advertised to be, or that a reasonable person would understand to be, designed for
10 a certain purpose; establishing certain penalties for violations of this Act; defining
11 certain terms; and generally relating to firearms.

12 BY adding to

13 Article – Criminal Law

14 Section 4–601 through 4–604 to be under the new subtitle “Subtitle 6. Untraceable
15 Firearms”

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Law

20 Section 7–302(a)(8)

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Public Safety

25 Section 5–101(h)

26 Annotated Code of Maryland

27 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Criminal Law**

4 **SUBTITLE 6. UNTRACEABLE FIREARMS.**

5 **4–601.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “FEDERALLY LICENSED FIREARMS DEALER” MEANS A PERSON
9 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
10 EXPLOSIVES TO DEAL FIREARMS.

11 (C) “FEDERALLY LICENSED FIREARMS IMPORTER” MEANS A PERSON
12 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
13 EXPLOSIVES TO IMPORT FIREARMS.

14 (D) “FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER”
15 MEANS A PERSON LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO,
16 FIREARMS AND EXPLOSIVES TO MANUFACTURE OR IMPORT FIREARMS.

17 (E) “FIREARM” HAS THE MEANING STATED IN § 5–101 OF THE PUBLIC
18 SAFETY ARTICLE.

19 **4–602.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) “3–DIMENSIONAL PRINTER” MEANS A MACHINE OR DEVICE THAT
23 USES SPECIFICATIONS CONTAINED IN A COMPUTER PROGRAM TO CONSTRUCT AN
24 OBJECT WITHOUT THE DIRECT AND CONTINUOUS CONTROL OF A PERSON.

25 (3) “COMPUTER PROGRAM” HAS THE MEANING STATED IN § 7–302 OF
26 THIS ARTICLE.

27 (B) THIS SECTION DOES NOT APPLY TO:

28 (1) A FIREARM:

29 (I) MANUFACTURED, ASSEMBLED, OR CONSTRUCTED BY:

1 1. A FEDERALLY LICENSED FIREARMS DEALER;
2 2. A FEDERALLY LICENSED FIREARMS MANUFACTURER;
3 OR

4 3. A PERSON WHO POSSESSES A STATE REGULATED
5 FIREARMS DEALER'S LICENSE ISSUED UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC
6 SAFETY ARTICLE; OR

7 (II) IMPORTED BY A FEDERALLY LICENSED FIREARMS
8 IMPORTER; OR

9 (2) A COMPUTER PROGRAM DISTRIBUTED TO A PERSON DESCRIBED
10 IN ITEM (1)(I)1 THROUGH 3 OF THIS SUBSECTION.

11 (C) A PERSON MAY NOT:

12 (1) USE A 3-DIMENSIONAL PRINTER TO MANUFACTURE, CAUSE TO BE
13 MANUFACTURED, ASSEMBLE, OR CONSTRUCT A FIREARM; OR

14 (2) DISTRIBUTE A COMPUTER PROGRAM DESIGNED FOR THE
15 SPECIFIC PURPOSE OF MANUFACTURING, CAUSING TO BE MANUFACTURED,
16 ASSEMBLING, OR CONSTRUCTING A FIREARM USING A 3-DIMENSIONAL PRINTER.

17 (D) A PERSON MAY NOT POSSESS, SELL, OFFER TO SELL, TRANSFER,
18 PURCHASE, OR RECEIVE A FIREARM MANUFACTURED, ASSEMBLED, OR
19 CONSTRUCTED IN VIOLATION OF SUBSECTION (C)(1) OF THIS SECTION.

20 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
21 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A
22 FINE NOT EXCEEDING \$5,000 OR BOTH.

23 **4-603.**

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) (I) "COVERT FIREARM" MEANS A FIREARM THAT IS
27 CONSTRUCTED IN A SHAPE OR CONFIGURATION THAT A REASONABLE PERSON
28 WOULD NOT IMMEDIATELY RECOGNIZE TO BE A FIREARM.

29 (II) "COVERT FIREARM" INCLUDES A FIREARM CONSTRUCTED

1 TO RESEMBLE:

- 2 1. A KEYCHAIN;
- 3 2. A PEN;
- 4 3. A CIGARETTE LIGHTER;
- 5 4. A CIGARETTE PACKAGE;
- 6 5. A CELLULAR TELEPHONE;
- 7 6. A WALLET; OR
- 8 7. A CANE.

9 (3) "SECURITY EXEMPLAR" HAS THE MEANING STATED IN 18 U.S.C.
10 § 922(P).

11 (4) "UNDETECTABLE FIREARM" MEANS A FIREARM:

12 (I) THAT, AFTER REMOVAL OF THE STOCK AND EVERY GRIP
13 AND MAGAZINE, IS NOT DETECTABLE BY A METAL DETECTOR CALIBRATED TO
14 DETECT A SECURITY EXEMPLAR; OR

15 (II) OF WHICH THE SLIDE, CYLINDER, FRAME, RECEIVER, OR
16 BARREL, WHEN SUBJECTED TO INSPECTION BY AN X-RAY MACHINE THAT IS OF A
17 TYPE COMMONLY USED AT AIRPORTS, DOES NOT GENERATE AN IMAGE THAT
18 ACCURATELY DEPICTS THE SHAPE OF THE SLIDE, CYLINDER, FRAME, RECEIVER, OR
19 BARREL.

20 (B) A PERSON MAY NOT:

21 (1) MANUFACTURE, CAUSE TO BE MANUFACTURED, ASSEMBLE, OR
22 CONSTRUCT A COVERT FIREARM OR AN UNDETECTABLE FIREARM; OR

23 (2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR
24 RECEIVE A COVERT FIREARM OR AN UNDETECTABLE FIREARM.

25 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
26 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A
27 FINE NOT EXCEEDING \$5,000 OR BOTH.

1 4-604.

2 (A) THIS SECTION DOES NOT APPLY TO A FIREARM THAT:

3 (1) HAS BEEN RENDERED PERMANENTLY INOPERABLE; OR

4 (2) WAS MANUFACTURED BEFORE 1968.

5 (B) A PERSON MAY NOT:

6 (1) MANUFACTURE, CAUSE TO BE MANUFACTURED, ASSEMBLE, OR
7 CONSTRUCT A FIREARM THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED BY
8 A FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY LICENSED
9 FIREARMS IMPORTER IN COMPLIANCE WITH ALL FEDERAL LAWS AND REGULATIONS
10 REGULATING THE MANUFACTURE AND IMPORT OF FIREARMS; OR

11 (2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR
12 RECEIVE:

13 (I) A FIREARM THAT IS NOT IMPRINTED WITH A SERIAL
14 NUMBER ISSUED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR
15 FEDERALLY LICENSED FIREARMS IMPORTER IN COMPLIANCE WITH ALL FEDERAL
16 LAWS AND REGULATIONS REGULATING THE MANUFACTURE AND IMPORT OF
17 FIREARMS; OR

18 (II) AN OBJECT MARKETED OR ADVERTISED TO BE, OR THAT A
19 REASONABLE PERSON WOULD UNDERSTAND TO BE, DESIGNED FOR THE PURPOSE
20 OF BEING MANUFACTURED, ASSEMBLED, OR CONSTRUCTED INTO THE FRAME OR
21 RECEIVER OF A FIREARM THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED
22 BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY LICENSED
23 FIREARMS IMPORTER IN COMPLIANCE WITH ALL FEDERAL LAWS AND REGULATIONS
24 REGULATING THE MANUFACTURE AND IMPORT OF FIREARMS.

25 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
26 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A
27 FINE NOT EXCEEDING \$5,000 OR BOTH.

28 7-302.

29 (a) (8) "Computer program" means an ordered set of instructions or
30 statements that may interact with related data and, when executed in a computer system,
31 causes a computer to perform specified functions.

32 Article – Public Safety

1 5-101.

2 (h) (1) "Firearm" means:

3 (i) a weapon that expels, is designed to expel, or may readily be
4 converted to expel a projectile by the action of an explosive; or

5 (ii) the frame or receiver of such a weapon.

6 (2) "Firearm" includes a starter gun.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2020.